

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ARACRUZ TRADING LTD.,

Plaintiff,

- against -

JAPPAUL OIL AND MARITIME SERVICES PLC.,

Defendant  
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08 CV 3511 (GJK)  
ECF CASE

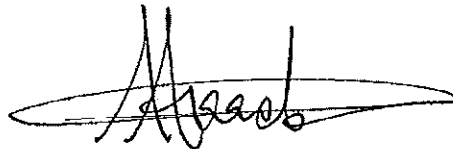
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: **DECLARATION OF**  
: **ADEDOLAPO**  
: **AKINRELE**

ADEDOLAPO AKINRELE states:

1. I am a Senior Advocate of Nigeria and Partner at F.O. Akinrele & Co., a Nigerian law firm located at 188 Awolowo Road, S.W. Ikoyi, Lagos, Nigeria.
2. I have been asked by Freehill, Hogan & Mahar LLP to submit this declaration to the court to explain the liability regime in Nigeria when a moving vessel hits an anchored vessel.
3. Under Nigerian law, there is a presumption of negligence where a moving vessel hits an anchored ship. The common law maxim, *res ipsa loquitur* (the facts speak for itself), is the basis for the presumption of negligence and upon establishment of the facts creating the presumption, the onus shifts to the Defendant to prove that the incident occurred without his negligence or fault.

I declare under penalty of perjury under the laws of the United States of America the foregoing is true and correct.

Executed at Lagos, Nigeria  
September 2nd, 2008

  
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ADEDOLAPO AKINRELE